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 and DISABILITY RIGHTS ENFORCEMENT,  
 EDUCATION SERVICES

**\*E-FILED - 12/7/05\***

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

NICOLE MOSS, an individual; and )	<b>CASE NO. C05-1372 RMW</b>
DISABILITY RIGHTS, ENFORCEMENT, )	
EDUCATION, SERVICES:HELPING YOU) )	<b>STIPULATION OF DISMISSAL AND</b>
HELP OTHERS, a California public benefit )	<b>ORDER THEREON</b>
corporation, )	
)	
Plaintiffs, )	
)	
v. )	
)	
CALLAHAN'S; GERRARD JONES )	
GERRARD, )	
)	
Defendant. )	
)	

The parties, by and through their respective counsel, stipulate to dismissal of this action in its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release ("Agreement") herein, each party is to bear its own costs and attorneys' fees. The parties further consent to and request that the Court retain jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S. 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement agreements).

Therefore, IT IS HEREBY STIPULATED by and between parties to this action through their designated counsel that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal Rules of Civil Procedure section 41(a)(1).

1 This stipulation may be executed in counterparts, all of which together shall constitute  
2 one original document.

3 Dated: November 26, 2005

THOMAS E. FRANKOVICH,  
*A PROFESSIONAL LAW CORPORATION*

4  
5 By: /s/ Jennifer Steneberg  
6 Jennifer L. Steneberg  
7 Attorneys for Plaintiffs NICOLE MOSS and  
8 DISABILITY RIGHTS ENFORCEMENT,  
9 EDUCATION SERVICES: HELPING YOU  
10 HELP OTHERS

11 Dated: November 22, 2005

LAW OFFICES OF LESLEY HARRIS

12 By: /s/ Lesley Harris  
13 Lesley B. Harris  
14 Attorneys for Defendant GERRY GERRARD, dba  
15 CALLAHAN'S

16 **ORDER**

17 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to  
18 Fed.R.Civ.P.41(a)(1). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for  
19 the purpose of enforcing the parties' Settlement Agreement and General Release should such  
20 enforcement be necessary.

21 Dated: 12/7, 2005

22 /S/ RONALD M. WHYTE  
23 Ronald M. Whyte  
24 UNITED STATE DISTRICT JUDGE  
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